

REMARKS

In section 3 of the Office Action, the Examiner rejected claims 44-47, 54-57, and 59-65 under 35 U.S.C. §103(a) as being unpatentable over the Britt patent in view of the Fuhrmann patent.

Independent claim 44 is directed to a web television comprising a display, a tuner, an internet module, and a television controller. The tuner selects television video for display on the display. The internet module supplies internet video for display on the display, the internet video is derived from internet communications between the web television and internet content providers, and the internet module is programmed to execute a first software code. The television controller is coupled locally to the internet module, is separate from the internet module, and is computer based. The television controller communicates with the internet module using a message format, the television controller is programmed to execute a second software code, and the television controller processes a message between the television controller and the internet module indicating identification of one of the first and second software codes.

Figure 1 of the Britt patent shows a WebTV network having WebTV clients 1 coupled through a modem pool 2 to remote servers 4 via the Internet 3. The WebTV network also includes a WebTV server 5 that provides the WebTV services to the WebTV clients 1. Each of the WebTV clients 1 can connect remotely to the WebTV server 5 either through a direct telephone or ISDN connection or through the Internet 3 via the modem pool 2. The WebTV server 5 is illustrated in Figure 2 of the Britt patent.

Figure 3 of the Britt patent illustrates a WebTV client 1. The WebTV client 1 includes a WebTV box 10, a television set 12, and a remote control 11. The WebTV box 10 may be built into the television set 12 as an integral unit. The WebTV box 10 includes hardware and software for providing the user with a graphical user interface by which a user can gain access to the WebTV network so that the user can browse the Web, send e-mail, and otherwise access the Internet.

The WebTV client 1 uses the television set 12 as a video and audio display. The WebTV box 10 is coupled to the television set 12 by a link 6. The link 6 includes an audio channel and a video channel. The remote control 11 is operated by the user in order to

control the WebTV client 1 to browse the Web, send e-mail, and perform other Internet-related functions.

The WebTV box 10, as shown in Figure 5, includes application software 31 that operates in conjunction with operating system (OS) software 32. The WebTV server 5 transmits instructions to the WebTV client 1 in response to a message transmitted to the WebTV server 5 over the Internet 3 by the WebTV client 1. As the WebTV client 1 receives the instructions, the WebTV client 1 either stores the instructions for later execution or executes the instructions as they arrive.

Browser software in the WebTV box 10 can be upgraded or reconfigured by downloading replacement software or data to the WebTV box 10 from the WebTV server 5 via the Internet 3 or via remote direct phone connection. In addition, the WebTV box 10 can store various resources downloaded from the Web, such as Java applets (programs).

Replacement software or data is downloaded to correct an error in the program instructions or data. The WebTV client 1 determines whether a download should take place each time the WebTV client 1 is reset. A download is performed if, upon reset, the WebTV client 1

detects an error or, in the case of an upgrade, the WebTV client 1 finds a download request in memory.

The reset routine of Figure 6 is performed any time the WebTV client 1 is reset during operation or any time the WebTV box 10 is turned on. Accordingly, if all program instructions and data are valid, a normal start up is performed. On the other hand, if all program instructions and data are not valid (i.e., they contain an error), an error download routine is performed. In the error download routine, some or all of the corrupt information is replaced by correct information downloaded from the Internet 3.

Figure 7 illustrates a routine by which an upgrade of the Web browser is initiated. During a normal start-up (i.e., when no error is detected upon reset), the WebTV client 1 automatically connects to the WebTV server 5. If an upgrade is available from the WebTV server 5, and if the upgrade is mandatory, the WebTV server 5 sends a command to the WebTV client 1 to cause a download request to be written into its memory. If the upgrade is not mandatory, the WebTV client 1 prompts the user to either accept or decline the upgrade. The WebTV client 1 is then commanded by the WebTV server 5 to reset according to the routine of Figure 6.

Figure 8 illustrates a portions of the normal start-up routine for initiating an upgrade. If a download request is not present in memory, the browser program is started normally. If a download request is present in memory, communication is established with the WebTV server 5, and the WebTV server 5 initiates downloading of the upgrade. If a default server is required for the upgrade download, the WebTV client 1 indicates to the default server which version of software it is currently running so that the default server can determine the proper default file to download to the WebTV client 1. The default upgrade is then downloaded.

In the case where an error is detected at the WebTV client 1, the WebTV client 1 requests the default upgrade from the default server. The WebTV client 1 indicates to the default server which version of software it is currently running, so that the default server can determine the proper default upgrade to download to the WebTV client 1. The requested upgrade is then downloaded.

According to the Examiner's application of the Britt patent to independent claim 44, the WebTV network shown in Figure 1 of the Britt patent (which includes various content providers 4 and 5 as well as the Internet

3) is the web television recited in independent claim 44. Then, the television set 12 of the WebTV client 1 is the display and tuner of independent claim 44, the WebTV box 10 of the WebTV client 1 is the television controller of independent claim 44 (there is no disclosure in the Britt patent that the television set 12 has a television controller), and the WebTV server 5 is the internet module of independent claim 44.

However, this characterization of the Britt patent is not correct because independent claim 44 covers a web television, not a network that includes the internet. To emphasize this difference, independent claim 44 has been amended to recite that the television controller is locally coupled to the internet module of the web television. As shown in the Britt patent, the WebTV client 1 and the WebTV server 5 are not coupled locally to one another, but are only coupled together through the internet 3 or remotely through a phone line 29 by way of telephone modems.

Indeed, if the Britt patent can be applied to independent claim 44 at all, it is the WebTV client 1 of the Britt patent that should be compared to the web television recited in independent claim 44. In this case, the television set 12 is the display and tuner

recited in independent claim 44, and the WebTV box 10 is the internet module recited in independent claim 44 because it is the device that is locally coupled to the television set 12.

However, the problem for the Examiner in this application of the Britt patent to independent claim 44 is that there is no disclosure or suggestion in the Britt patent of the television set 12 processing a message between the television set 12 and the WebTV box 10 indicating identification of any software code.

Similarly, the Fuhrmann patent also does not disclose or suggest a web television that includes a television controller locally coupled to an internet module such that television controller processes a message between the television controller and the internet module indicating identification of any software code.

Accordingly, a combination of the Britt patent and the Fuhrmann patent does not disclose or suggest the invention of independent claim 44.

Furthermore, there is no disclosure in the Britt patent that the television set 12 has a television controller that executes software code or that the television set 12 communicates with the WebTV box 10

using a message format. Similarly, the Fuhrmann patent does not disclose any communication by a television controller with an internet module using a message format or otherwise.

Accordingly, for these reasons also, a combination of the Britt patent and the Fuhrmann patent does not disclose or suggest the invention of independent claim 44.

Independent claim 60 is directed to a web television comprising a display, a tuner, a television controller, and an internet module. The tuner selects television video for display on the display. The internet module is arranged to couple the television controller to the internet, the internet module is arranged to supply internet video for display on the display, the internet video is derived from internet communications between the web television and internet content providers, the television controller and the internet module are arranged to communicate messages with one another, and one of the messages contains software identification information.

Again, using the Examiner's application of the Britt patent to independent claim 60, the WebTV network of Figure 1 is the web television of independent claim



60, the television set 12 of the Britt patent is the display and tuner of independent claim 60, the WebTV box 10 of the Britt patent is the television controller of independent claim 60, and the WebTV server 5 the Britt patent is the internet module of independent claim 60.

However, this characterization of the Britt patent is not correct because independent claim 60 covers a web television, not a network that includes the internet. To emphasize this difference, independent claim 60 has been amended to recite that the internet module is arranged to couple the television controller to the internet. In the Britt patent, the WebTV server 5 (the internet module according to the Examiner) does not couple the WebTV box 10 (the television controller according to the Examiner) to the internet.

Moreover, if the WebTV client 1 of the Britt patent is considered to be the web television recited in independent claim 60 such that the television set 12 of the Britt patent is the display and the tuner of independent claim 60, and such that the WebTV box 10 of the Britt patent is the internet module of independent claim 60, then there is no disclosure or suggestion in the Britt patent of the television set 12 and the WebTV box 10 communicating messages with one another where one

of the messages contains software identification information.

Similarly, the Fuhrmann patent does not disclose or suggest an internet module that is arranged to couple a television controller to the internet, and the Fuhrmann patent does not disclose or suggest a television controller and an internet module that communicate messages with one another where one of the messages contains software identification information.

Accordingly, a combination of the Britt patent and the Fuhrmann patent does not disclose or suggest the invention of independent claim 60.

Furthermore, there is no disclosure in the Britt patent that the television set 12 and the WebTV box 10 communicate messages with one another of any type. Similarly, the Fuhrmann patent does not disclose any communication of messages by a television controller and an internet module.

Accordingly, for these reasons also, a combination of the Britt patent and the Fuhrmann patent does not disclose or suggest the invention of independent claim 60.

Allowable dependent claim 48 has been written  
in independent claim format and, therefore, claims 48-53  
should now be allowed.

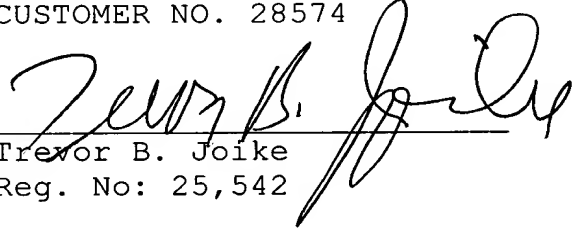
CONCLUSION

In view of the above, it is clear that the claims of the present application are patentable over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

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